

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the outstanding grounds of rejection are requested in light of the above amendments and the remarks that follow.

The Examiner has rejected claims 1, 2, 4-11 and 18-20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. According to the Examiner, the recent amendment to the claims requiring a vertical line created by the intersection of the two plates incorrectly states that the vertical line lies within the connecting member.

By this Amendment, applicants have amended claim 1 to require that the vertical line lie within the anchor body, support for which is clearly shown in Figure 3 and related text on page 8 of the specification as filed. With this change, claim 1 and the remaining dependent claims are believed to be in full compliance with 35 U.S.C. § 112, first paragraph. Note that claims 18-20 have been canceled.

The Examiner has also rejected claims 1, 2, 4-11 and 18-20 under 35 U.S.C. § 103 as unpatentable over Marandi in view of Heenan et al. According to the Examiner, Marandi discloses all of the features of the claimed invention except that the plates 32 and 33 are parallel to each other and lie in planes that, if extended, would intersect each other along a generally vertical line. The Examiner proposes to amend Marandi to incorporate the two pair of orthogonally-related plates of Heenan noting that the modified plates, in planes oriented 90° relative to one another, would intersect each other along a vertical line lying within the connecting member.

Applicants propose to amend claim 1 to require that the anchor body have no more than a pair of plates spaced from one another and extending generally vertically in discrete planes, nonparallel to one another and which planes, when extended, intersect one another along a

generally vertical line wherein the planes and the plates lying in the planes are oriented about 90° relative to one another, with the vertical line lying within the anchor body.

By defining the anchor as having no more than a pair of plates, the Heenan patent necessarily become irrelevant to the claimed subject matter. Since the Examiner recognizes that Marandi does not disclose or suggest all of the claimed subject matter, the rejection must be withdrawn. Accordingly, claim 1 and dependent claims 4-11 are patentable over the applied prior art, noting again that claims 18-20 have been canceled.

The Examiner has rejected claims 12, 13, 15 and 16 under 35 U.S.C. 103 as unpatentable over Marandi over Nelson.

Here again, the Examiner proposes to amend Marandi to incorporate an arrangement of more than two plates (Nelson discloses three plates at 210° intervals) and thus, even if Nelson were properly combinable with Marandi, the claimed invention would not ensue. Accordingly, the rejection based on Marandi in view of Nelson is also improper and should now be withdrawn.

The Examiner has also rejected claims 12, 14 and 17 under 35 U.S.C. § 103 as unpatentable over Marandi in view of Lovell and Nelson.

Lovell discloses an arrangement of four plates similar to Heenan and the rejection necessarily fails for the same reasons presented above with respect to independent claim 1.

It is also noted that any of the proposed amendments to Marandi requires a wholesale reconstruction of that device in a manner that is nowhere contemplated by the reference. In fact, the disclosure in Marandi which calls for two parallel anchor plates with a lateral opening between them, is wholly contrary to the conventional four-plate arrangement of Heenan and Lovell.

RIORDAN ET AL.
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For all of the above reasons, it is respectfully submitted that the application is now in condition for allowance, and early passage to issue is respectfully requested. In this regard, since the Amendment clearly places the application in condition for allowance, entry of the proposed Amendment is fully consistent with 37 C.F.R. § 1.116(b). In the event, however, any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read "Michael Keenan", written over a horizontal line.

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